

REMARKS

Claims 1, 3-11 and 14-22 are pending. By this response, claims 12 and 13 are cancelled. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

§112, First Paragraph

The Office Action rejections 12 and 13 under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. This rejection is respectfully traversed.

Applicant notes that claims 12 and 13 have been cancelled. Accordingly, the rejection is now moot. Withdrawal of the rejection is respectfully requested.

Prior Art Rejection

The Office Action rejects claims 1, 3-5, 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Lu (US 5,852,672), Miramonti, et al. (US 6,288,385) and Suda, (US 6,067,115); claim 8 under 35 U.S.C. §103(a) as being unpatentable over Lu, Miramonti, Suda and Bacs, Jr., et al. (US 6,324,347); claim 9 under 35 U.S.C. §103(a) as being unpatentable over Lu, Miramonti, Suda and Lo, et al. (US 6,269,223) and claim 14 under 35 U.S.C. §103(a) as being unpatentable over Lu, Miramonti, Suda and Moreton, et al. (US 5,835,133). These rejections are respectfully traversed.

Lu teaches a three-dimensional motion camera system that obtains a three-dimensional image using stereo imaging units 14, 15 and 18 as shown in Fig. 1. Within each of the stereo imaging units are two camera systems 42 and 44 which are separated from each other. A

projection system 48 is paced between the two cameras. Lu's system allows for the use of three different stereo imaging units to obtain a three dimensional motion effect. See column 5.

Miramonti's system provides a three-dimensional digital scanner in which multiple viewpoints are captured of an image from a single camera. This is accomplished by either rotating the image itself and keeping the camera in a single position or moving the camera to different angles and viewpoints around the image subject in order to capture the various viewpoints.

The Office Action states that Lu and Miramonti do not teach "that the images are captured by controlling a movement of the lens section from a first position to at least a second position within the single capturing section." See page 5 of the Office Action. The Office Action alleges that this feature is well known in the art at the time of the invention and is disclosed by Suda.

Applicant respectfully submits that the rejection of the claims is being made in a piecemeal fashion in which particular language of the claims are alleged to be taught by a particular reference and the claim is not being examined by viewing the language as a whole. Applicant submits that the Office Action misrepresents the language of claims 1 and 4. Each of these claims recite, *inter alia*, "a controller operable to control single capturing sections to perform said image capturing at different timing at said plurality of viewpoints by controlling a movement of said lens from a first position to at least a second position within the single capturing section." The claimed features refer to a single lens capturing an image at one position at a certain timing and viewpoint and capturing another image at a second position of the lens in the single capturing section at a different timing and viewpoint. This is not what Suda teaches.

Suda merely teaches moving a lens from an unfocused position to a focused position to capture a single image. Suda does not teach capturing images at different timings and the plurality of viewpoints respective of different positions of a lens.

Applicant respectfully submits that movement of a lens to focus on a single image is not the same as movement of a lens to a different position to capture an image at a different timing and viewpoint. Suda teaches nothing more than focusing an image.

Further, a combination of Suda with Lu and Miramonti merely teaches that the lenses in the camera of Lu and Miramonti can move to a focus position to capture a single image. A combination would not produce applicant's claimed features when the claim is viewed as a whole and not in a piecemeal fashion as it is currently being examined. Thus, the above-noted feature of independent claims 1 and 4 are not taught by the combination of Lu, Miramonti and Suda.

Thus, the combination of Lu, Miramonti and Suda fail to teach each and every feature of independent claims 1 and 4 as required. Also, Bacs, Jr., Lo and Moreton fail to remedy the deficiencies of Lu, Miramonti and Suda. Dependent claims 3, 5-11 and 14 are also distinguishable over the cited references for the above reasons as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

For at least these reasons, it is respectfully submitted that claims 1, 3-11 and 14-22 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$120.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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